

1614
GPO/TECH CENTER 1600/2900
Docket No. 47506 (7295)

AUG 31 2001

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Marchionni et al.

U.S.S.N.: 09/756,481 GROUP: 1614

FILED: January 8, 2001 EXAMINER: Not Yet Assigned

FOR: METHODS FOR TREATING NEUROLOGICAL INJURIES AND
DISORDERS

Assistant Commissioner For Patents
Washington, D.C. 20231

Sir:

LETTER

Applicants received a Notice of Incomplete Reply (NonProvisional) dated August 13, 2001 for the above-identified application (copy enclosed) indicating that the Sequence submission mailed August 6, 2001 was defective.

Applicants enclose a copy of that submission along with the acknowledgement postcard dated stamped by the USPTO on August 9, 2001.

In order to provide a complete Response to the Notice, Applicants enclose a further copy of the Sequence Listing (paper copy), Sequence Listing (3 1/2" diskette) and Sequence Listing Transmittal.

Please contact the undersigned attorney if any additional information is needed.

Respectfully submitted,

905c87

Christine C. O'Day

Christine C. O'Day, (Reg. 38,256)
Dike, Bronstein, Roberts & Cushman
Intellectual Property Patent Practice Group
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47506
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1095
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UNITED STATES OF AMERICA

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Page 1 of 2

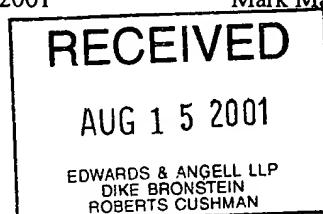
AUG 31 2001

TECH CENTER 1600/2900

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|-----------------------|------------------------|
| 09/756,481 | 01/08/2001 | Mark Marchionni | 47506 |

Dike, Bronstein, Roberts & Cushman
Intellectual Property Practice Group
Edwards & Angell, LLP
P.O. Box 9169
Boston, MA 02209



CONFIRMATION NO. 4213

FORMALITIES LETTER



OC00000006414086

Date Mailed: 08/13/2001

NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

Filing Date Granted

The U.S. Patent and Trademark Office has received your reply on to the Notice mailed and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application.

- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

Sequence listing
Edwards & Angell LLP
Dike, Bronstein, Roberts & Cushman
101 Federal St. Boston, MA 02110
Date Rec'd 8/15/01
Docketed For Aug 29 - Oct 29 2001
By JKD
Approved DR 7/17/01

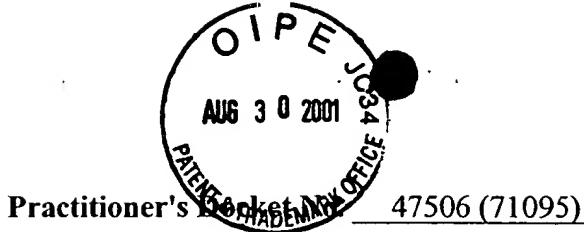
*A copy of this notice **MUST** be returned with the reply.*

Mgon

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



Practitioner's Docket No. 47506 (71095)

RECEIVED
PATENT AUG 31 2001
TECH CENTER 1600/2900

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Marchionni et al.

Serial No.: 09/756,481

GROUP: Not Yet Assigned

Filed: January 8, 2001

EXAMINER: Not Yet Assigned

For: METHODS FOR TREATING NEUROLOGICAL INJURIES AND
DISORDERS

Box Sequence

Assistant Commissioner for Patents
Washington, D.C. 20231

**SUBMISSION OF "SEQUENCE LISTING," COMPUTER READABLE COPY,
AND/OR AMENDMENT PERTAINING THERETO
FOR BIOTECHNOLOGY INVENTION CONTAINING NUCLEOTIDE
AND/OR AMINO ACID SEQUENCE**

(check and complete this item, if applicable)

1. This replies to the Office Letter DATED March 29, 2001.

NOTE: If these papers are filed before the office letter issues, adequate identification of the original papers should be made, e.g., in addition to the name of the inventor and title of invention, the filing date based on the "Express Mail" procedure, the serial number from the return post card or the attorney's docket number added.

A copy of the Office Letter is enclosed.

IDENTIFICATION OF PERSON MAKING STATEMENT

2. I, Christine C. O'Day

(type or print name of person signing below)

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

FACSIMILE

transmitted by facsimile to the Patent and Trademark Office.

Susan M. Dillon
Signature

Date: 8/6/01

Susan M. Dillon

(type or print name of person certifying)

state the following:

ITEMS BEING SUBMITTED

3. Submitted herewith is/are

(check each item as applicable)

- A. "Sequence Listing(s)" for the nucleotide and/or amino acid sequence(s) in this application. Each "Sequence Listing" is assigned a separate identifier as required in 37 C.F.R. § 1.821(c) and 37 C.F.R. §§ 1.822 and 1.823.
- B. An amendment to the description and/or claims, wherein reference is made to the sequence by use of the assigned identifier, as required in 37 C.F.R. § 1.821(d).
- C. A copy of each "Sequence Listing" submitted for this application in computer readable form, in accordance with the requirements of 37 C.F.R. §§ 1.821(e) and 1.824.
- D. Please transfer to this application, in accordance with 37 C.F.R. § 1.821(e), the computer readable copy(ies) from applicant's other application identified as follows:

In re application of:

Serial No.:

Group No.:

Filed:

Examiner:

For:

The Computer readable form(s) of applicant's other application corresponds to the "Sequence Identifier(s)" of the application as follows:

Computer Readable Form

"Sequence Identifier"

(other application)

(this application)

NOTE: "If the computer readable form of a new application is to be identical with the computer readable form of another application of the applicant on file in the Office, reference maybe made to the other application and computer readable form in lieu of filing a duplicate computer readable form in the new application. The new application shall be accompanied by a letter making such reference to the other application and computer readable form, both of which shall be completely identified." 37 C.F.R. 1.821(e).

- E. A statement that the content of each "Sequence Listing" submitted and each computer readable copy are the same, as required in 37 C.F.R. § 1.821(g).

Because the statement is not made by a person registered to practice before the Office, the Statement is verified as required in 37 C.F.R. § 1.821(b).

F. Because this submission is made in fulfilling the requirement under 37 C.F.R. § 1.821(g), a statement that the submission includes no new matter.

Because the statement is not made by a person registered to practice before the Office, the statement is verified, as required in 37 C.F.R. § 1.821(g).

**STATEMENT THAT "SEQUENCE LISTING"
AND COMPUTER READABLE COPY ARE THE SAME
AND/OR THAT PAPERS SUBMITTED INCLUDES NO NEW MATTER**

4. I hereby state:

(complete applicable item A and/or B)

A. Each computer readable form submitted in this application, including those forms requested to be transferred from applicant's other application, is the same as the "Sequence Listing" to which it is indicated to relate.

B. All papers accompanying this submission, or for which a request for transfer from applicants' other application, introduce no new matter.

STATUS

5. Applicant is

a small entity. A statement:
 is attached.
 was already filed.
 other than a small entity.

EXTENSION OF TERM

6.

NOTE: "Extension of Time in Patent Cases (Supplement Amendments) If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.

If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of Dec. 10, 1985 (1061 O.G. 34-35).

NOTE: See 37 C.F.R. 1.645 for extensions of time in interference proceedings and 37 C.F.R. 1.550(c) for extensions of time in reexamination proceedings.

7. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply.

(complete (a) or (b) as applicable)

(a) Applicant petitions for an extension of time under 37 C.F.R. 1.136 (fees: 37 C.F.R. 1.17(a)(1)-(4)) for the total number of months checked below:

| Extension (months) | Fee for other than <u>small entity</u> | Fee for <u>small entity</u> |
|-----------------------|---|--------------------------------|
| [] one month | \$110.00 | \$ 55.00 |
| [] two months | \$390.00 | \$ 195.00 |
| [X] three months | \$890.00 | \$ 445.00 |
| [] four months | \$1,390.00 | \$ 695.00 |

Fee \$ 890.00

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

[] An extension for _____ months has already been secured, and the fee paid therefor of \$ _____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ 890.00

OR

(b) [] Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

A one month extension of time is being paid with the Response to Missing Parts, mailed on even date.

FEE PAYMENT

8. [X] Attached is a check in the sum of \$ 890.00.

[] Charge Account No. _____ the sum of \$ _____.
A duplicate of this transmittal is attached.

FEE DEFICIENCY

9.

NOTE: *If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, 1065 O.G. 31-33.*

10. [X] If any additional extension and/or fee is required, charge Account No. 04-1105.

SIGNATURE(s)

Christine C. O'Day
(type or print name of person signing statement)

Christ C. O'Day

Signature

Aug. 6, 2001

Date

Dike, Bronstein, Roberts & Cushman
Intellectual Property Practice Group
EDWARDS & ANGELL, LLP
P.O. Box 9169
P.O. Address of Signatory

Boston, MA 02209

(If applicable)

Tel. No.: (617) 439-4444
Reg. No. 38,256

- Inventor
- Assignee of complete interest
- Person authorized to sign on behalf of assignee
- Practitioner of record
- Filed under Rule 34(a)
- Registration No.
- Other

(specify identity of person signing)

(complete the following, if applicable)

(type name of assignee)

Address of assignee

Title of person authorized to sign on behalf of assignee

A "STATEMENT UNDER 37 C.F.R. 3.73(b)" is attached.

Assignment recorded in PTO on _____
Reel _____ Frame _____

SIGNATURE OF PRACTITIONER

Reg. No.

(type or print name of practitioner)

Tel. No.: ()

P.O. Address

Customer No.:

#118272



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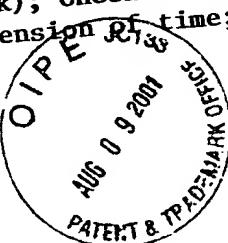
TECH CENTER 1600/2900

Mailing Date: August 6, 2001 Attorney/Sec: PFC/CCO:smo
Client: 71095 Docket No.: 47506
Inventors: Marchionni et al.
Serial No.: 09/756,481 Patent No.:
Filing Date: January 8, 2001 Grant Date:

The dating stamp of the Patent and Trademark Office hereon will be taken as the date of filing of:

Submission of Sequence Listing Transmittal;
Sequence Listing (paper copy); Sequence Listing
(3½" floppy disk); Check in the amount of \$890.00
for 3-month extension of time; Certificate of
Mailing.

Due Date: 8/29/01





EDWARDS & ANGELL, LLP
COUNSELLORS AT LAW
since 1894
101 Federal Street
Boston, MA 02110



52-36/112

No.

704952

CHECK DATE

CHECK NO.

August 6, 2001

704952

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OF

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Boston Main Account

NUMBER

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COMMISSION Commissioner of Patents & Trademarks

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|--------------|--------------|-------------------|----------------|----------|----------------|
| 71095.47506A | 08/06/2001 | for PTO code: 117 | \$890.00 | \$0.00 | \$890.00 |



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AUG 31 2001

TECH CENTER 1600/2900

Docket No. 47506-71095

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Marchionni et al.

SERIAL NO.: 09/756,481

FILED: January 8, 2001

FOR: METHODS FOR TREATING NEUROLOGICAL INJURIES AND DISORDERS

HONORABLE COMMISSIONER OF PATENTS AND TRADEMARKS
WASHINGTON, DC 20231

SIR:

**STATEMENTS IN SUPPORT OF FILING AND
SUBMISSIONS IN ACCORDANCE WITH 37 CFR §§1.821 - 1.825**

In accordance with 37 CFR §§1.821 - 1.825, I hereby state that the content of the paper, computer-readable copies of the sequence listing submitted in accordance with 37 CFR §1.821(c) and (e), respectively, are the same.

Respectfully submitted,

Christine C. O'Day

Christine C. O'Day (Reg. 38,256)
Dike, Bronstein, Roberts & Cushman
Intellectual Property Practice Group
P.O. Box 9169
Boston, MA 02109
(617) 439-4444

Date: Aug. 6, 2001